

Line 34-38 sets the tone for the policy; it is clear that the parent(s)/guardian(s)/adult student and LCPS may agree to collaboratively create an IEP amendment without a meeting:

“ In making changes to a child’s IEP after the annual IEP team meeting for the school year, the parent(s)/guardian(s)/adult student and the local educational agency may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child’s current IEP.”

SEAC Proposed	Reed Smith Proposed
<p>Recommendation 2: Protect the participation roles of the parents and teachers in the IEP process requiring that they be the ones who develop any IEP amendment.</p> <p>Add new item 1: The document shall be developed by the parent(s)/guardian(s) of the child and the Special Education case manager of the child in consultation with other members of the IEP team.</p>	<p>Item 1: The document shall be developed by the parent(s)/guardian(s) of the child and the Special Education case manager of the child in consultation with other members of the IEP team including the LCPS building administrator, who is the individual with authority to agree on behalf of LCPS to the IEP amendment developed without a meeting.</p>
<p>Supporting Information: Issue: This added language is redundant, the need for an administrator to be involved is clearly outlined in lines 34-38 underlined above and sets a very negative tone in the Policy.</p>	
<p>Recommendation 5: Require equity supports for parents.</p> <p>Add New 4: “LCPS shall take whatever action is necessary to ensure that the parent(s)/guardian(s) understand and are able to participate in any discussions relating to the IEP amendment and are able to understand any documents produced before consenting to them. This includes arranging for other modes of communication for parents with disabilities (e.g., interpreters, Braille), or whose native language is other than English.”</p>	<p>Removal of Equity Supports for Parents:</p> <p>Item 4: When requesting input from the parent(s)/guardian(s)/adult student, LCPS shall take whatever action is necessary to ensure that the parent(s)/guardian(s)/adult student have the opportunity to provide input to the IEP amendment, including arranging for an interpreter for parents with deafness or whose native language is other than English.</p>
<p>Supporting Information: Issue 1: Item 4 was intended to ensure parent(s)/guardian(s) are able to fully understand the amendment in their native language or other mode of communication and are able to participate in any discussions relating to the IEP amendment before providing informed consent.</p> <ul style="list-style-type: none"> Changes proposed by Reed-Smith strip the parent of equitable access as required by IDEA 34 CFR 300.9 and for providing Prior Written Notice (PWN). 	

As outlined above in lines 34-38 parent(s)/guardians are an integral part of determining if an amendment will be created without a meeting. Parent input should be foundational to development of any amendment without a meeting, not sought as an afterthought. **An IEP amendment should not be crafted by school administration and then seek approval or input from the parent. The special education community is adamant that the parent(s)/guardian(s) or adult student should be in agreement with generating an IEP amendment without a meeting.**

Issue 2: Before requesting informed parental consent, **IDEA requires the parent or eligible student be fully informed in their native language or other mode of communication of all information relevant to the activity [IEP Amendment] for which consent is sought.**

- **Reed-Smith language has removed the parent equity and completely altered the intent of Item 4 and narrowed the focus and inhibits parent(s)/guardian(s)/ or the adult student's ability to fully understand the document before providing informed consent as required by IDEA 34 CFR 300.9.**
- Reed-Smith and LCPS wants to solely use IDEA IEP participation language, item 4 is not about participating in an IEP meeting, since amendments are being created without a meeting with both parties agreeing to do so. SEAC carefully selected the IDEA Consent language at 34 CFR 300.9 since parents are being asked to provide informed consent to an IEP amendment without a meeting. When an annual IEP is being developed the LEA is responsible for both parent participation and providing informed consent.

IEP Participation Language (34 CFR 300.322(e)):

The local educational agency shall take whatever action is necessary to ensure that the parent(s) understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

IEP Consent (IDEA 34 CFR 300.9:

IDEA 34 CFR 300.9 definition of **"Consent"** means the parent(s) or eligible student has been fully informed of all information relevant to the activity for which consent is sought in the parent's(s') or eligible student's native language, **or other mode of communication;**

SEAC's recommendation was fully participating in creating the IEP amendment without a meeting and being able to provide informed consent, not one over the other. 34 CFR 300.322(e) does not exclude the requirement to take whatever action necessary to ensure the parent understands the proceeding at the IEP meeting – given the policy is about making changes without an IEP meeting 34 CFR 300.9 makes the requirement more specific and aligns with PWN requirements.

Issue 3: LCPS documentation recommends that parents use the LCPS ADA Accommodations Request Form to request access in their mode of communication. This form requires a 5-day notice before any "event". Given there is no "event" or specified date, and the development process of an IEP Amendment without a meeting is to be collaborative, making such a suggestion and skirting their IDEA responsibilities and placing the burden on the disabled parent, guardian or adult student is inappropriate and inequitable.

<p>Recommendation 6: Add New Item 5: "Prior Written Notice shall be provided prior to requesting parental consent."</p>	<p>Prior Written Notice shall be provided prior to or at the same time as, requesting parental consent.</p>
<p>Supporting Information: <i>In addition to providing the Prior Written Notice prior to requesting consent, the VA Regulation also has language that aligns with the recommended SEAC consent language in Item 4 above. The Prior Written Notice (PWN) must also be provided in the native language or other mode of communication of the parent(s). All of SEAC's recommendations were carefully researched and envisioned to support allowing IEP amendments without a meeting that align with IDEA requirements and addresses the special education community concerns. Attached is the VDOE Guidance Document on PWN's that clearly supports SEAC's recommendations, pages 1, 2 and 4 have supporting language highlighted.</i></p> <p><i>VA Regs 34 C.F.R. §300.503(c)(1), 8 VAC 20-81-170.C.3.a and 8 VAC 20-81-170.C.3.b</i> <i>34 C.F.R. §300.503(c)(2)</i></p> <p>3. a. The notice shall be: (i) written in language understandable to the general public; and (ii) provided in the native language of the parent(s) or other mode of communication used by the parent(s), unless it is clearly not feasible to do so. (34 CFR 300.503(c))</p> <p>b. If the native language or other mode of communication of the parent(s) is not a written language, the local educational agency shall take steps to ensure that:</p> <ul style="list-style-type: none"> (1) The notice is translated orally or by other means to the parent(s) in their native language or other mode of communication; (2) The parent(s) understands the content of the notice; and (3) There is written evidence that the requirements of subdivisions (1) and (2) of this subdivision have been met. 	